

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

**Wilmington Savings Fund Society, FSB,
d/b/a Christiana Trust, not individually but
as trustee for Pretium Mortgage Acquisition
Trust**

Plaintiff

vs.

**Paul R. Dionne, Personal Representative to
the Estate of Michael Thomas Haskell**

Defendant

**The Opportunity Alliance f/k/a People's
Regional Opportunity Program**

Party-in-Interest

CIVIL ACTION NO:

COMPLAINT

**RE: VACANT REAL PROPERTY
47 Tapley Road, Buxton, ME 04093**

**Mortgage:
May 25, 2006
Book 14856, Page 212**

NOW COMES the Plaintiff, Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for Pretium Mortgage Acquisition Trust, by and through its attorneys, Doonan, Graves & Longoria, LLC, and hereby complains against the Defendant, Paul R. Dionne, Personal Representative to the Estate of Michael Thomas Haskell, as follows:

JURISDICTION AND VENUE

1. This Court has jurisdiction over this action pursuant 28 U.S.C. § 1332(a)(1) (Diversity) because the Plaintiff and Defendant are citizens of different states and the matter in controversy exceeds the sum or value of seventy-five thousand and 00/100 (\$75,000.00) dollars, exclusive of interest and costs. Any Court of the United States, upon the filing of an appropriate pleading, may declare the rights and other legal relations of any interested party seeking such declaration, whether or not further relief is or could be sought under 28 U.S.C. § 2201.

2. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1332(a)(1) because the object of this litigation is a Note executed under seal currently owned and held by Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for Pretium Mortgage Acquisition Trust, in which Michael T. Haskell, was the obligor and the total amount owed under the terms of the Note is One Hundred Sixty-Five Thousand Five Hundred Sixty-Five and 57/100 (\$165,565.57) Dollars, plus attorney fees and costs associated with the instant action; thus, the amount in controversy exceeds the jurisdictional threshold of seventy-five thousand (\$75,000.00) dollars.
3. Venue is properly exercised pursuant to 28 U.S.C. §1391(b)(2) insofar as all or a substantial portion of the events that give rise to the Plaintiff's claims transpired in Maine and the property is located in Maine.

PARTIES

4. Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for Pretium Mortgage Acquisition Trust is a corporation with its principal place of business located at 1100 North Market Street, Wilmington, DE 19801.
5. The Defendant, Paul R. Dionne, Personal Representative to the Estate of Michael Thomas Haskell, is a resident of Lewiston, County of Androscoggin and State of Maine.
6. The Party-in-Interest, The Opportunity Alliance f/k/a People's Regional Opportunity Program, is located at c/o C. Alan Beagle, 10 Moulton Street, Portland, ME 04101.

FACTS

7. On March 3, 1970, by virtue of a Deed from Frank H. Jewett, 2nd and Ruth A. Jewett, which is recorded in the York County Registry of Deeds in **Book 1866, Page 203**, and Deed from Frank H. Jewett, 2nd and Ruth A. Jewett, dated October 29, 1970, and recorded in the York County Registry of Deeds in **Book 1866, Page 204**, the property situated at 47 Tapley Road, City/Town of Buxton, County of York, and State of Maine, was conveyed to Michael T. Haskell and Sandra M. Haskell, being more particularly described by the attached legal description. *See* Exhibit A (a true and correct copy of the legal description is attached hereto and incorporated herein).
8. Upon information and belief, Sandra M. Haskell passed away on or about April 26, 1997.
9. On May 25, 2006, Michael T. Haskell, executed and delivered to America's Wholesale Lender a certain Note under seal in the amount of \$129,000.00. *See* Exhibit B (a true and correct copy of the Note is attached hereto and incorporated herein).
10. To secure said Note, on May 25, 2006, Michael T. Haskell executed a Mortgage Deed in favor of Mortgage Electronic Registration Systems, Inc., as nominee for America's Wholesale Lender, securing the property located at 47 Tapley Road, Buxton, ME 04093, which Mortgage Deed is recorded in the York County Registry of Deeds in **Book 14856, Page 212**. *See* Exhibit C (a true and correct copy of the Mortgage is attached hereto and incorporated herein).
11. The Mortgage was then assigned to Federal National Mortgage Association by virtue of an Assignment of Mortgage, dated March 6, 2018, and recorded in the York County Registry of Deeds in **Book 17678, Page 827**. *See* Exhibit D (a true and correct copy of the Assignment of Mortgage is attached hereto and incorporated herein).

12. The Mortgage was further assigned to Federal National Mortgage Association by virtue of a Quitclaim Assignment, dated June 8, 2018, and recorded in the York County Registry of Deeds in **Book 17729, Page 530**. *See* Exhibit E (a true and correct copy of the Quitclaim Assignment is attached hereto and incorporated herein).
13. The Mortgage was then assigned to Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for Pretium Mortgage Acquisition Trust by virtue of an Assignment of Mortgage, dated December 28, 2018, and recorded in the York County Registry of Deeds in **Book 17880, Page 197**. *See* Exhibit F (a true and correct copy of the Assignment of Mortgage is attached hereto and incorporated herein).
14. Upon information and belief, Michael T. Haskell passed away on or about July 13, 2017.
15. On May 9, 2018, a Petition for Adjudication of Intestacy and Appointment of Personal Representative, was filed in the York County Probate Court, Docket No. 2018-0451, for the appointment of Paul R. Dionne, as Personal Representative.
16. An Order for Formal Adjudication of Intestacy and Appointment of Personal Representative, was entered on June 29, 2018, and docketed on July 5, 2018, in the York County Probate Court, Docket No. 2018-0451, which appointed Paul R. Dionne, Esq., as Personal Representative of the Estate of Michael Thomas Haskell.
17. On July 13, 2018, the York County Probate Court issued a Certificate and Abstract regarding the Estate of Michael Thomas Haskell, Docket No. 2018-0451, which is recorded in the York County Registry of Deeds in **Book 17754, Page 158**.
18. On March 17, 2021, the Defendant, Paul R. Dionne, Personal Representative to the Estate of Michael T. Haskell, was sent a Notice of Mortgagor's Right to Cure, as evidenced by the Certificate of Mailing (herein after referred to as the "Demand Letter"). The Defendant, Paul R. Dionne, Personal Representative to the Estate of Michael T. Haskell, is not

personally liable and accordingly, this action does not seek any personal liability on the part of the Defendant, but only seeks *in rem* judgment against the property. *See* Exhibit G (a true and correct copy of the Demand Letter is attached hereto and incorporated herein).

19. The Demand Letter informed the Defendant, Paul R. Dionne, Personal Representative to the Estate of Michael T. Haskell, of the payment due date, the total amount necessary to cure the default, and the deadline by which the default must be cured, which was thirty-five (35) days from receipt of the Demand Letter. The Defendant, Paul R. Dionne, Personal Representative to the Estate of Michael T. Haskell, is not personally liable and accordingly, this action does not seek any personal liability on the part of the Defendant, but only seeks *in rem* judgment against the property. *See* Exhibit G.

20. The Defendant, Paul R. Dionne, Personal Representative to the Estate of Michael T. Haskell, failed to cure the default prior to the expiration of the Demand Letter. The Defendant, Paul R. Dionne, Personal Representative to the Estate of Michael T. Haskell, is not personally liable and accordingly, this action does not seek any personal liability on the part of the Defendant, but only seeks *in rem* judgment against the property.

21. The Plaintiff, Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for Pretium Mortgage Acquisition Trust, is the present holder of the Note pursuant to endorsement by the previous holder (if applicable), payment of value and physical possession of the Note in conformity with 11 M.R.S. § 3-1201, et seq., and *Simansky v. Clark*, 147 A. 205, 128 Me. 280 (1929).

22. The Plaintiff, Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for Pretium Mortgage Acquisition Trust, is the lawful holder and owner of the Note and Mortgage.

23. The Plaintiff, Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for Pretium Mortgage Acquisition Trust, hereby certifies that all steps mandated by law to provide notice to the mortgagor pursuant to 14 M.R.S.A. § 6111 and/or Note and Mortgage were strictly performed.
24. The Opportunity Alliance f/k/a People's Regional Opportunity Program is a Party-in-Interest pursuant to a Mortgage in the amount of \$5,260.00, dated April 13, 2009, and recorded in the York County Registry of Deeds in **Book 15663, Page 589** and is in second position behind Plaintiff's Mortgage.
25. The total debt owed under the Note and Mortgage as of May 5, 2021 is One Hundred Sixty-Five Thousand Five Hundred Sixty-Five and 57/100 (\$165,565.57) Dollars, which includes:

Description	Amount
Principal Balance	\$111,091.91
Late Fees	\$772.00
Escrow Advance	\$12,242.65
Delinquent Interest	\$37,247.24
Corporate Advance Balance	\$4,211.77
Grand Total	\$165,565.57

26. Upon information and belief, the Defendant, Paul R. Dionne, Personal Representative to the Estate of Michael T. Haskell, is not presently in possession of the subject property originally secured by the Mortgage.

COUNT I – FORECLOSURE AND SALE

27. The Plaintiff, Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for Pretium Mortgage Acquisition Trust, repeats and re-alleges paragraphs 1 through 26 as if fully set forth herein.

28. This is an action for foreclosure and sale respecting a real estate related Mortgage and title located at 47 Tapley Road, Buxton, County of York, and State of Maine. *See* Exhibit A.

29. The Plaintiff, Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for Pretium Mortgage Acquisition Trust, is the holder of the Note referenced in Paragraph 9 pursuant to endorsement by the previous holder (if applicable) and physical possession of the aforesaid Note in conformity with Title 11, section 3-1201, et seq. of the Maine Revised Statutes and *Simansky v. Clark*, 147 A. 205, 128 Me. 280 (1929). As such, Plaintiff, Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for Pretium Mortgage Acquisition Trust, has the right to foreclosure and sale upon the subject property.

30. The Plaintiff, Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for Pretium Mortgage Acquisition Trust, is the current owner and investor of the aforesaid Mortgage and Note.

31. The Defendant, Paul R. Dionne, Personal Representative to the Estate of Michael T. Haskell, is presently in default on said Mortgage and Note, having failed to make the monthly payment due July 1, 2016, and all subsequent payments, and, therefore, has breached the condition of the aforesaid Mortgage and Note. The Defendant, Paul R. Dionne, Personal Representative to the Estate of Michael T. Haskell, is not personally liable and accordingly, this action does not seek any personal liability on the part of the Defendant, but only seeks *in rem* judgment against the property.

32. The total debt owed under the Note and Mortgage as of May 5, 2021 is One Hundred Sixty-Five Thousand Five Hundred Sixty-Five and 57/100 (\$165,565.57) Dollars, which includes:

Description	Amount
Principal Balance	\$111,091.91
Late Fees	\$772.00
Escrow Advance	\$12,242.65
Delinquent Interest	\$37,247.24
Corporate Advance Balance	\$4,211.77
Grand Total	\$165,565.57

33. The record established through the York County Registry of Deeds indicates that there are no public utility easements recorded subsequent to the Mortgage and prior to the commencement of these proceedings affecting the mortgaged premises at issue herein.
34. By virtue of the Defendant, Paul R. Dionne, Personal Representative to the Estate of Michael T. Haskell's breach of condition, the Plaintiff hereby demands a foreclosure and sale on said real estate. The Defendant, Paul R. Dionne, Personal Representative to the Estate of Michael T. Haskell, is not personally liable and accordingly, this action does not seek any personal liability on the part of the Defendant, but only seeks *in rem* judgment against the property.
35. Notice in conformity with 14 M.R.S.A. § 6111 and/or Note and Mortgage was sent to the Defendant, Paul R. Dionne, Personal Representative to the Estate of Michael T. Haskell, on March 17, 2021, evidenced by the Certificate of Mailing. The Defendant, Paul R. Dionne, Personal Representative to the Estate of Michael T. Haskell, is not personally liable and accordingly, this action does not seek any personal liability on the part of the Defendant, but only seeks *in rem* judgment against the property. *See* Exhibit G.

PRAYERS FOR RELIEF

WHEREFORE, the Plaintiff, Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for Pretium Mortgage Acquisition Trust, prays this Honorable Court:

- a) Issue an *in rem* judgment of foreclosure and sale in conformity with Title 14 § 6322;
- b) Grant possession to the Plaintiff, Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for Pretium Mortgage Acquisition Trust, upon the expiration of the period of redemption;
- c) Impose the applicable time periods for redemption, etc. as reflected in 14 M.R.S.A. §6322;
- d) Find that while the Defendant, Paul R. Dionne, Personal Representative to the Estate of Michael T. Haskell, has no personal liability in this matter, a Judgment of Foreclosure and Sale in this matter can be imposed *in rem* against the property commonly known as and numbered as 47 Tapley Road, Buxton, ME 04093; and
- e) For such other and further relief as this Honorable Court deems just and equitable.

Respectfully Submitted,
Wilmington Savings Fund Society, FSB, d/b/a
Christiana Trust, not individually but as
trustee for Pretium Mortgage Acquisition
Trust,
By its attorneys,

Dated: June 24, 2021

/s/ John A. Doonan, Esq.
/s/ Reneau J. Longoria, Esq.
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